

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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ORIGINAL

In the Matter of

Streamlining the Commission's Rules and
Regulations for Satellite Application and
Licensing Procedures

IB Docket No. 95-117

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COMMENTS OF ORBITAL SCIENCES CORPORATION

I. INTRODUCTION

Orbital Sciences Corporation (Orbital) hereby comments on the Commission's proposal to streamline application and licensing procedures and requirements for satellite space and earth stations under Part 25 of its Rules (Rules).^{1/} Orbital applauds the Commission's efforts to allow service providers to operate without unnecessary regulatory burdens or constraints. Lessening such burdens will permit innovative firms like Orbital to respond more quickly to customers' needs.

Founded in 1982, Orbital is one of the country's leading commercial space technology companies. It is engaged in the design, manufacturing, testing, and operation of space launch vehicles (including the Pegasus® air-launched space booster), satellites, satellite navigation and communication terminals, suborbital tracking systems, and satellite-based remote sensing and communications systems.

^{1/} In the Matter of Streamlining the Commission's Rules and Regulations for Satellite Application and Licensing Procedures, IB Docket No. 95-117, FCC 95-285, released August 11, 1995 (hereafter Part 25 NPRM).

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Orbital is encouraged both by the Commission's efforts to solicit industry suggestions on ways to lessen the burdens on satellite applicants and licensees and by the extent to which the Commission has incorporated the suggestions it has received to date. Orbital discusses several specific points of particular importance below

II. DISCUSSION

A. The Commission Should Waive the Construction Permit Requirement

Orbital supports the Commission's proposal to waive the construction permit requirement for space stations and allow potential applicants to begin construction of their satellites at their own risk prior to receiving a license.^{2/} Orbital understands that this means construction of a spacecraft is at the company's own risk and does not weigh into the granting of a license. Orbital cautions the Commission that, when this reform is adopted, the Commission must refuse to countenance any attempts by applicants for satellite licenses to influence licensing decisions by "shifting the risk" of satellite construction onto the Commission.

The Commission further proposes that prior to construction, satellite license applicants notify the Commission in writing that they are beginning construction and acknowledge that they are proceeding at their own risk. Orbital recommends that, rather than requiring a separate notification, the Commission allow applicants to include a short

^{2/} Id., ¶¶ 7-8.

statement in their original license application indicating the start dates for spacecraft construction and that they understand such construction is at their own risk.^{3/}

B. The Commission Should Eliminate Unnecessary Filing Requirements

The Commission proposes to eliminate the general requirements that applicants for new satellite space stations submit a "detailed statement of estimated investment and operating costs for the expected lifetime of the facility" and a "detailed schedule of the estimated investment costs and operating costs" and "estimated annual revenue requirements."^{4/} Orbital agrees with this proposal. The reporting requirements at issue are burdensome and the information requested is often competitively sensitive. Because, as the Commission acknowledges, its financial evaluation relies on other information, these requirements should be removed.

Orbital also supports elimination of the information requirements of Sections 25.114(c)(8) (earth stations), (c)(9) (demand and transponder capacity estimates), and (c)(12) (launch vehicles and services).^{5/} As the Commission acknowledges, these do not contribute to the public interest determinations that the Commission makes in licensing decisions.

^{3/} If applicants subsequently change the start date of construction, they should be required to notify the Commission, in writing, of the new date.

^{4/} Part 25 NPRM, ¶ 9.

^{5/} Id., ¶ 10.

C. The Commission Should Clarify Certain Licensing Rules

The Commission proposes a number of changes to its Rules with the intent of providing greater guidance and direction to applicants and improving the efficiency of the application process.^{6/} Orbital supports the proposal to allow applicants to submit one consolidated system proposal containing information common to all space stations and to eliminate the requirement that applicants distinguish individual satellites within their systems. Orbital agrees that it is not necessary to file individual applications and that a system proposal, containing the pertinent technical details of common spacecraft, is sufficient and will eliminate unnecessary paper work. Orbital also agrees that system applications should state the total number of proposed spacecraft per system.

The Commission further proposes to eliminate the automatic triggering of "cut-off" periods, during which an applicant filing an application that is mutually exclusive with a previously-filed application must file in order to be granted comparative consideration.^{7/} Orbital agrees with the elimination of the automatic trigger and that all "cut-off" dates should be specified by the Commission.

D. The Commission Should Reform Its Procedures for Minor Modifications to Earth Stations

Orbital agrees that it is unnecessary for satellite operators to obtain authorization before making a minor change to an existing earth station. Orbital believes that since no

^{6/} Id., ¶¶ 11-12.

^{7/} Id., ¶ 12.

other operators will be affected by a minor modification to an earth station, it is unnecessary even to notify the Commission of such a change, as the NPRM proposes.^{8/} Instead, Orbital believes that the licensee should be required to note any such modification in the station technical log.^{9/} This would go far toward eliminating unnecessary paperwork and correspondence while preserving a record of the minor change.

E. The Commission Should Make Other General Reforms

Orbital agrees with the Commission's proposal to adopt a multipart form tailored to the satellite industry, consisting of a main form and several schedules.^{10/} The use of such a form will, by allowing applicants to accomplish several activities at once, reduce the paperwork burden on both applicants and the Commission.

The Commission proposes to update its database used in the analysis of potential interference in the C, Ka, and Ku bands, and to adopt a common software program as its standard for this analysis.^{11/} Orbital supports generally the Commission's efforts to update its database so that it will reflect the current situation and to keep the database current hereafter. Applicants should provide the Commission with the required software inputs in a standard format specified by the Commission. Whatever the analysis program chosen by the Commission, it should reflect current interference engineering practices. Orbital also

^{8/} Id., ¶ 23.

^{9/} Section 25.118(c) should be modified expressly to require such documentation in the station technical log.

^{10/} Part 25 NPRM, §§ 26-27.

^{11/} Id., §§ 29-30.

supports the Commission's proposal that such a program and the associated database be made available to prospective applicants. Orbital also suggests that this program should be usable in other frequency bands and for different types of systems, such as Low Earth Orbiting systems.

Orbital supports the Commission's finding that developmental authorizations are equivalent to experimental authorization and therefore should be the responsibility of the Office of Engineering and Technology (OET). Appropriate regulations for experimental systems should be the sole responsibility of OET, although policy-implicating decisions should be coordinated with the International Bureau ^{12/}

Orbital agrees that Part 25 of the Rules should reference the current version of Appendix 28 of the ITU Radio Regulations and suggests that, in addition to placing a current version of Appendix 28 in the Reference Room, it should be available through the Internet. ^{13/}

Finally, Orbital agrees with the rule changes proposed to reflect the fact that the Columbia Operations Center has replaced the Laurel field office. ^{14/}

^{12/} Id., ¶ 31.

^{13/} Id., ¶ 32. Section 25.251(b) of the Rules should state the location where Appendix 28 can be found.

^{14/} Id., ¶ 33.

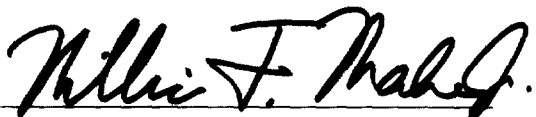
III. CONCLUSION

Orbital reiterates its strong support for the Commission's initiative in reducing unnecessary regulations, and requests that the Commission act in accordance with the foregoing comments.

Respectfully submitted,
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